

S 1917

Victims Protection Act of 2014

Congress: 113 (2013–2015, Ended)

Chamber: Senate

Policy Area: Armed Forces and National Security

Introduced: Jan 14, 2014

Current Status: Referred to the Subcommittee on Military Personnel.

Latest Action: Referred to the Subcommittee on Military Personnel. (Jun 20, 2014)

Official Text: <https://www.congress.gov/bill/113th-congress/senate-bill/1917>

Sponsor

Name: Sen. McCaskill, Claire [D-MO]

Party: Democratic • **State:** MO • **Chamber:** Senate

Cosponsors (3 total)

| Cosponsor | Party / State | Role | Date Joined |
|---------------------------|---------------|------|--------------|
| Sen. Ayotte, Kelly [R-NH] | R · NH | | Jan 14, 2014 |
| Sen. Fischer, Deb [R-NE] | R · NE | | Jan 14, 2014 |
| Sen. Cornyn, John [R-TX] | R · TX | | Mar 10, 2014 |

Committee Activity

| Committee | Chamber | Activity | Date |
|---|---------|-------------|--------------|
| Armed Services Committee | House | Referred to | Jun 20, 2014 |
| Judiciary Committee | House | Referred to | Apr 16, 2014 |
| Transportation and Infrastructure Committee | House | Referred to | Mar 12, 2014 |

Subjects & Policy Tags

Policy Area:

Armed Forces and National Security

Related Bills

| Bill | Relationship | Last Action |
|------------|--------------|---|
| 113 S 1775 | Related bill | Dec 9, 2013: Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 253. |

(This measure has not been amended since it was introduced. The summary has been expanded because action occurred on the measure.)

Victims Protection Act of 2014 - Amends the National Defense Authorization Act for Fiscal Year 2014 (NDAA 2014) to revise the sexual assault prevention and response program activities of the Armed Forces.

(Sec. 2) Amends NDAA 2014 to include the senior trial counsel detailed to a case involving sex-related charges in the process for determining whether such charges should be referred for a court-martial (currently, such determination is made solely by the staff judge advocate).

(Sec. 3) Requires the Special Victims' Counsel, in cases involving sexual assaults in the military, to provide advice to assault victims on the advantages and disadvantages of prosecuting such assaults by court-martial or in a civilian court. Requires the Secretaries of the military departments to: (1) establish a process to ensure consultation with the victim of a sexual assault to determine such victim's preference for prosecuting such assault either by court-martial or in a civilian court, and (2) afford great weight to such preference in determining which court shall prosecute the offense. Requires notification to a victim who expresses a preference for prosecution in a civilian court if a decision is made to decline prosecution or prosecute such offense by court-martial.

Requires performance appraisals of: (1) officers and enlisted personnel of the Armed Forces to include an assessment of the extent to which such members support their respective sexual assault prevention and response programs, and (2) a commanding officer to indicate the extent to which such officer has established a command climate in which allegations of sexual assault are properly managed and fairly evaluated and a victim can report criminal activity without fear of retaliation or ostracism.

Requires the Secretaries of the military departments to establish a process for a command climate assessment and for a confidential challenge by an individual who was the victim of a sexual assault of the terms or characterization of such individual's discharge or separation from the Armed Forces.

Requires a modification of the Military Rules of Evidence to clarify that evidence of the general military character of an individual accused of a criminal offense (good soldier defense) shall not be admissible for the purpose of showing the probability of innocence of such individual, unless such evidence is relevant to an element of the offense for which the accused has been charged.

(Sec. 4) Requires the Secretary of the military department concerned to ensure that provisions of NDAA 2014 relating to sexual assault prevention and response apply to the U.S. Military Academy, the Naval Academy, and the Air Force Academy. Requires the Secretary of Homeland Security (DHS) to ensure that such provisions apply to the Coast Guard Academy.

(Sec. 5) Requires the Secretary of Defense (DOD) and the Attorney General to jointly develop a strategic framework for collaboration between DOD and the Department of Justice (DOJ) to prevent and respond to cases of sexual assault and report to the Armed Services and Judiciary Committees of Congress on such framework. Requires such framework to be based on and to include: (1) an assessment of the role of DOD in investigations and prosecutions of sexual assault cases in which DOD and DOJ have concurrent jurisdiction; (2) an assessment of the feasibility of establishing the position of advisor on military sexual assaults within DOJ and provide DOD investigative and other assistance in sexual assault cases on domestic and overseas military installations; (3) an assessment of the number of unsolved sexual assault

cases; (4) a strategy to leverage efforts by DOD and DOJ to improve the quality of investigations, prosecutions, specialized training, services to victims, awareness, and prevention and to address social conditions that relate to sexual assault; and (5) mechanisms to promote information sharing and best practices between DOD and DOJ.

(Sec. 6) Advances from 120 to 60 days after the enactment of NDAA 2014 the due date for the report of the DOD Secretary on a proposed punitive article under the Uniform Code of Military Justice (UCMJ) for violations of prohibitions against inappropriate contact with prospective and new members of the Armed Forces.

(Sec. 7) Expresses the sense of the Senate that: (1) the panel to review and assess the systems used to respond to sexual assault established by NDAA 2014 is conducting an independent assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses; (2) the work of such panel will be critical in informing the efforts of Congress to combat rape, sexual assault, and other sex-related crimes in the Armed Forces; (3) the panel should include in its assessment a review of the reforms that will be enacted by NDAA 2014; and (4) the views of the victim advocate community should continue to be well-represented on the panel.

Actions Timeline

- **Jun 20, 2014:** Referred to the Subcommittee on Military Personnel.
- **Apr 16, 2014:** Referred to the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations.
- **Mar 12, 2014:** Referred to the Subcommittee on Coast Guard and Maritime Transportation.
- **Mar 11, 2014:** Message on Senate action sent to the House.
- **Mar 11, 2014:** Received in the House.
- **Mar 11, 2014:** Referred to the Committee on Armed Services, and in addition to the Committees on Transportation and Infrastructure, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.
- **Mar 10, 2014:** Considered by Senate. (consideration: CR S1377)
- **Mar 10, 2014:** Passed/agreed to in Senate: Passed Senate without amendment by Yea-Nay Vote. 97 - 0. Record Vote Number: 62.
- **Mar 10, 2014:** Passed Senate without amendment by Yea-Nay Vote. 97 - 0. Record Vote Number: 62.
- **Mar 6, 2014:** Measure laid before Senate by unanimous consent. (consideration: CR S1349, S1350-1352)
- **Mar 6, 2014:** Cloture motion on the measure presented in Senate. (consideration: CR S1349; text: CR S1349)
- **Mar 6, 2014:** Cloture on the measure invoked in Senate by Yea-Nay Vote. 100 - 0. Record Vote Number: 60. (consideration: CR S1349)
- **Jan 15, 2014:** Read the second time. Placed on Senate Legislative Calendar under General Orders. Calendar No. 293.
- **Jan 14, 2014:** Introduced in Senate
- **Jan 14, 2014:** Introduced in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time.